

JUN 19 2009

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

UNITED STATES OF AMERICA, )  
                                )  
                                ) Criminal Action No. 5:05-CR-00019  
                                )  
                                ) Civil Action No. 5:08-CV-80100  
v. )  
                                )  
                                ) **ORDER**  
                                )  
MARK JAMES KONSAVICH, ) By: Hon. Glen E. Conrad  
                                )  
Defendant.                 )

For the reasons stated in the accompanying memorandum opinion, it is now

**ORDERED**

that the petitioner's motion for a hearing is **DENIED**. Respondent's motion to dismiss shall be and hereby is **GRANTED**. The petitioner's motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 shall be and hereby is **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 19<sup>b</sup> day of June, 2009.

*Glen Conrad*

United States District Judge